

REMARKS

Claims 24-30 are currently pending in the application. Claims 24, 28 and 30 are independent. By this amendment, claims 24, 28 and 30 are amended. Support for the amendment to claims 24, 28 and 30 can be found on, e.g., paragraph [0026] of the instant published application US 2004/0159601. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

35 U.S.C. §102 Rejection

Claims 24-26 and 30 were rejected under 35 U.S.C. §102(b) for being anticipated by U. S. Patent No. 5,417,146 (incorrectly listed by the Examiner as 5,417,147) to ZIMMER et al. This rejection is respectfully traversed.

The claimed invention is directed to an effluent recirculating filter tank system adapted for use in a septic system. The tank is a septic system tank that includes a bottom and sides, an inlet and outlet. An effluent distribution system includes troughs forming channels integrally in at least the bottom and sides of the tank. The channels include at least one bottom channel that opens out to an inside of the tank and that spans substantially between ends of the tank at the bottom, and that also includes additional channels intersecting the bottom channel.

Each of claims 24 and 30 recite:

An effluent recirculating filter tank system adapted for use in a septic system.

Claim 24 also specifically recites:

... a septic system tank having a bottom and sides, and an inlet and outlet;
at least one bottom channel being open to an inside of the tank and
spanning substantially between opposing ends of the tank at the bottom
and additional channels intersecting the bottom channel.

Claim 30 also specifically recites:

... a septic system tank having a bottom and sides, and an inlet and an
outlet;
at least the bottom of the tank comprising integrally formed troughs which
open to an inside of the tank;
at least one of the integrally formed troughs of the bottom of the tank
spanning the bottom of the tank and extending between different sides of
the tank.

ZIMMER does not show or disclose these features. ZIMMER discloses a
tank for water carbonation for use in making "soft drinks" (see col. 1, lines 4-7).
ZIMMER clearly does not disclose an effluent recirculating filter tank system
adapted for use in a septic system. As the Examiner well knows, wastewater is
not water that is carbonized for use in soft drinks. Furthermore, the disclosed
tank in ZIMMER is simply not a septic system tank. Finally, col. 2, lines 48-51 of
ZIMMER specifically explains that the channel system 36 is arranged on the
bottom wall and not on any of the side walls.

Applicant also disagrees with the Examiner's assertions that the claimed
invention is not limited to septic type arrangement. Claims 24 and 30 specifically
and positively recite "an effluent recirculating filter tank system", "a septic system
tank", and "an effluent distribution system". These features are positively recited,
are not merely recited as intended use, and must be accorded patentable weight.

Therefore, claims 24 and 30 clearly recite allowable subject matter, not
disclose, or even suggested, in ZIMMER.

Accordingly, Applicant respectfully requests that the rejection over claims 24-26 and 30 be withdrawn.

35 U.S.C. §103 Rejections

Over Zimmer with Berg

Claims 24-26, 29 and 30 were rejected under 35 U.S.C. §103(a) over ZIMMER in view of U.S. Patent No. 6,280,614 to BERG et al. This rejection is respectfully traversed.

Applicant agrees with the Examiner that ZIMMER does not disclose or suggest that the channels can be formed on the sides of the tank. However, as explained above, it is also apparent that ZIMMER teaches a tank for drinking water carbonation (see col. 1, lines 4-7) and not an effluent recirculating filter tank system adapted for use in a septic system, much less, one that utilizes a septic system tank.

BERG does not cure the deficiencies of ZIMMER. While it is apparent that BERG teaches a septic system tank, Figs. 2 and 6 of BERG clearly illustrate that the tank includes troughs defined by ribs 4 that do not have any intersecting troughs. The Examiner simply cannot ignore the fact that Figs. 2 and 6 of BERG show a tank which is entirely devoid of any intersecting troughs or any integrally formed troughs which span the bottom of the tank.

Finally, the Examiner has failed to establish any proper basis or motivation for combining the teachings of these documents. Indeed, Applicant submits that the above-noted differences between these documents actually teach away from their combination. For example, there is no logical basis for replacing the tank in

BERG with that of ZIMMER or vice versa. While it is true that ZIMMER teaches a tank with bottom channels, ZIMMER does not teach side wall channels and specifically relates to a carbonizing water tank that is not useful in a septic system. Thus, if the tank of ZIMMER is replaced with the tank in BERG (as suggested by the Examiner), the result would be a tank which would not function properly in a septic system. Also, such a modification would clearly contradict the specific disclosure of ZIMMER which treats water for human consumption and not wastewater. ZIMMER, in contrast to the invention and BERG, is entirely unconcerned with, and indeed teaches away from, a septic system tank with integrally formed channels or troughs.

Accordingly, Applicant respectfully requests that the rejection of claims 24-26, 29 and 30 be withdrawn.

Over Zimmer with Townsend

Claims 27 and 28 were rejected under 35 U.S.C. §103(a) over ZIMMER in view of U.S. Patent No. 3,738,527 to TOWNSEND. This rejection is respectfully traversed.

Each of claims 24 and 28 recite:

An effluent recirculating filter tank system adapted for use in a septic system.

Claim 28 also specifically recites:

... an effluent distribution system comprising troughs forming channels integrally in at least the bottom and sides of the tank, the channels including at least one bottom channel spanning substantially between opposing ends of the tank at the bottom and additional channels intersecting the bottom channel; and

a sheet placed on the bottom of the tank, wherein the sheet includes perforations so that effluent can flow from a filter to the integral troughs.

As explained above, Applicant does not disagree with the Examiner that ZIMMER does not disclose or suggest that the channels can be formed on the sides of the tank. However, as explained above, it is also apparent that ZIMMER teaches a tank for drinking water carbonation (see col. 1, lines 4-7) and not an effluent recirculating filter tank system adapted for use in a septic system, much less, one that utilizes a tank utilizing an effluent distribution system.

TOWNSEND does not cure the deficiencies of ZIMMER. While it is apparent that TOWNSEND teaches a tank liner system, TOWNSEND does not disclose that the tank can include any troughs, much less, intersecting troughs. Nor has the Examiner identified any language in TOWNSEND which explains that the disclosed liner can be used on a septic system tank or on an effluent recirculating filter tank system adapted for use in a septic system.

Finally, the Examiner has failed to establish any proper basis or motivation for combining the teachings of these documents. Indeed, Applicant submits that the above-noted differences between these documents actually teach away from their combination. For example, there is no logical basis for replacing the tank in TOWNSEND with that of ZIMMER or vice versa. While it is true that ZIMMER teaches a tank with bottom channels, ZIMMER does not teach side wall channels and specifically relates to carbonizing water tank that is not useful in a septic system. Thus, if the tank of ZIMMER is replaced with the tank in TOWNSEND (as suggested by the Examiner), the result would be a tank that lacks any

troughs or channels and which would not function properly in a septic system. Also, such a modification would clearly contradict the specific disclosure of ZIMMER which treats water for human consumption and not waste water. ZIMMER, in contrast to the invention, is entirely unconcerned with, and indeed teaches away from, a septic system tank with integrally formed channels or troughs.

Accordingly, Applicant respectfully requests that the rejection of claims 27 and 28 be withdrawn.

Over Zimmer with Berg and Townsend

Claims 27 and 28 were also rejected under 35 U.S.C. §103(a) over ZIMMER in view of BERG and TOWNSEND. This rejection is respectfully traversed.

As explained above, Applicant does not disagree with the Examiner that ZIMMER does not disclose or suggest that the channels can be formed on the sides of the tank. However, as explained above, it is also apparent that ZIMMER teaches a tank for drinking water carbonation (see col. 1, lines 4-7) and not an effluent recirculating filter tank system adapted for use in a septic system, much less, one that utilizes a tank utilizing an effluent distribution system.

BERG does not cure the deficiencies of ZIMMER. While it is apparent that BERG teaches a septic system tank, Figs. 2 and 6 of BERG clearly illustrates that the tank includes troughs defined by ribs 4 that do not have any intersecting troughs. The Examiner simply cannot ignore the fact that Figs. 2 and 6 of BERG

show a tank which is entirely devoid of any intersecting troughs or any integrally formed troughs which span the bottom of the tank.

TOWNSEND does not cure the deficiencies of ZIMMER or BERG. While it is apparent that TOWNSEND teaches a tank liner system, TOWNSEND does not disclose that the tank can include any troughs, much less, intersecting troughs. Nor has the Examiner identified any language in TOWNSEND which explains that the disclosed liner can be used on a septic system tank.


Finally, the Examiner has failed to establish any proper basis or motivation for combining the teachings of these documents as explained above.

Accordingly, Applicant respectfully requests that the rejection of claims 27 and 28 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Respectfully submitted,
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